

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE A. BENTON, et al.,

Defendants.

:

:

Case No. 3:12cr007 (3)

:

JUDGE WALTER HERBERT RICE

:

DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION FOR
PRETRIAL RELEASE UPON APPROPRIATE RELEASE CONDITIONS
(DOC. #32); REASONING SET FORTH

The captioned cause is before the Court on the Motion of the Defendant, seeking an order of the Court granting his pretrial release upon appropriate conditions (Doc. #32).

Pursuant to a review of the Motion and Memorandum, together with the exhibits attached thereto (Doc. #32), as well as the Government's opposition to said release (Doc. #41), and, finally, the report of the Pretrial Services Department under date of December 6, 2011, this Court finds said Motion not well taken and, accordingly, same is overruled in its entirety.

In ruling as aforesaid, this Court concludes that the letters submitted in support of the Defendant's release fail to rebut the statutory presumption, set forth

in Title 18 United States Code § 3142(e)(3)(A), that operates when a Defendant committed either a drug crime carrying a maximum penalty of ten years or more or an offense under 18 USC § 924(c). While this presumption is rebuttable, the nature of the alleged offense, together with the Defendant's significant record over the past decade and a half, not to mention the fact that he was on probation when the instant offense occurred, taken together, cause this Court to conclude that the rebuttable presumption set forth above has not been overcome.

Accordingly, the Motion of the Defendant, seeking pretrial release upon appropriate release conditions (Doc. #32), is overruled.

March 13, 2012



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record

Courtesy copy to:

James P. Fleisher, Esq.